

Chief Forester Order  
Respecting an AAC Determination  
For Tree Farm Licence No. 14

Section 8 (3.1) of the *Forest Act* stipulates in part that

*If ... the chief forester considers that the allowable annual cut ... is not likely to be changed significantly with a new determination ... the chief forester ... by written order may postpone the next [allowable annual cut] determination ... to a date that is up to 10 years after the date of the relevant last determination, and ... must give written reasons for the postponement".*

In considering whether to postpone the next AAC determination for Tree Farm Licence No. 14:

- I have reviewed each of the factors considered in the most recent determination made under Section 8 of the *Forest Act*. That determination set the AAC at 160,000 cubic metres, effective on March 28, 2001.
- I have reviewed the revised current management option that was part of the analysis provided in August 2000 in support of that determination. I am aware that the revised current management option projected a harvest level of 155,000 cubic metres per year for the first 30 years. This was followed by a decline of 3 percent to a mid-term level of 150,000 cubic metres per year. After 100 years, timber supply increased to a long-term harvest level of 162,000 cubic metres per year. I am also aware that alternative flows provided with this analysis indicated an array of forecasts with initial harvest levels as high as 200,000 cubic metres per year and acceptable rates of decline to manage timber supply through the medium term.
- I have also considered the significance of the requests that the deputy chief forester made of the licensee in his 2001 AAC rationale, and what has transpired in response to those requests.
- I have investigated whether any significant new information exists concerning each factor specified in Section 8 of the *Act*. I am aware that:
  - The information used in the analysis for the 2001 determination was and still is, for the most part, based on the most current science. As a consequence I expect little improvement of timber supply is possible as a result of improving science-based analysis components (e.g. site productivity, inventory, growth and yield).
  - I understand that additional modelling efforts with different timber supply models and data formulations have displayed the flexibility and general robustness of timber supply that was believed to be possible as recorded in the 2001 AAC rationale.

- The 2000 timber supply analysis reflected many of the land-use recommendations of the Kootenay-Boundary Land Use Plan (KBLUP). Since the time of the last AAC determination, the government released the KBLUP Higher Level Plan Order (HLP Order) which primarily affects the TFL by assigning biodiversity emphasis and connectivity corridors. I am aware that the government has varied the HLP Order to allow salvage harvesting to occur in mountain pine beetle attacked stands.
- I am aware of spatial analysis performed to support the review of the HLP Order. The timber supply forecast developed for this analysis showed an ability to maintain the current AAC of 160,000 cubic metres for sixty years.
- I am aware that the licensee has obtained Forest Stewardship Council (FSC) certification for the TFL and that this produces some uncertainty with respect to timber supply. Initial spatial analysis work on three TFLs in 2002 to examine the impacts of the earliest FSC – BC standards showed a significant timber supply impact on TFL 14. However, I concur with the Smartwood assessors, who examined management on the TFL in light of the current FSC – BC standards, that any timber supply impact will not be large. To the degree that the licensee was able to capture considerations of the FSC – BC standards within a recent timber supply analysis examining the impact of different levels of harvest in high conservation value forest; the short-term timber supply has been confirmed. Therefore, I am satisfied that a postponement at this time will not lead to significant timber supply shortfalls on this account.
- I am aware of the synergies in planning that will be enabled through a postponement, as several conditions required to maintain the licensee's FSC certification will have had time to influence any description of current management. These changes would play a key role in the development of the base case information for the next AAC determination. This includes, but is not limited to, commitments within a sustainable forest management plan, information relating to range of natural variability, and forest management considerations in high conservation value forest.
- I am aware that district staff from the Ministry of Forests and Range and the former Ministry of Water, Land and Air Protection foresees no problem with the proposed postponement.
- I have reviewed the First Nations consultation process undertaken by the Ministry of Forests and Range with the following First Nations: Akisqnuq First Nation, Ktunaxa Kinbasket Tribal Council, Lower Kootenay Indian Band, Shuswap Indian Band, Shuswap Nation Tribal Council, St. Mary's Indian Band, Tobacco Plains Indian Band.

- In that consultation, a letter was sent to each First Nation whose asserted traditional territory overlaps with TFL 14, providing them with information regarding the AAC determination postponement being considered and asking them for information relative to their aboriginal interests, and how a possible decision to postpone the AAC determination may impact these interests.
- One response was received, from the Shuswap Nation Tribal Council (SNTC). In its response the SNTC noted that the consultation framework, land use referral policy and administrative system is inadequate to deal with its land and resource interests, and did not meet the fiduciary obligations of B.C. The SNTC noted that as a result it does not agree with the contemplated development activity.
- In response, I note that broad issues, such as those raised by SNTC, are being examined by the Province. The postponement of an AAC determination does not constitute development activity on TFL 14, nor will it result in greater or lesser harvesting activity over the next five year period than presently on the TFL. The postponement of the determination merely constitutes acknowledgement that based on few changes to the information since the previous determination, the AAC is not likely to be changed with a new determination at this time, and therefore it warrants postponement until a date no more than 10 years after the last determination made under Section 8 of the *Forest Act*.
- In reviewing input, I look for issues or concerns that would impact the timber supply, specifically in the short term, such that postponement of the current AAC would be inadvisable. I am satisfied that the information received through the First Nations consultation process would not affect short-term timber supply on the TFL, and no change to the AAC is necessary at this time on that account. As noted below, if circumstances change or information regarding aboriginal interests becomes known that, in my judgement, would result in a change in the AAC for the TFL, then I am prepared to rescind this order and initiate the process that will lead to an AAC determination under section 8 of the *Forest Act* at an earlier date than the deadline specified below.

After reviewing the factors considered in the last AAC determination, and the currently available information, I have determined that the allowable annual cut for the area covered by Tree Farm Licence No. 14 is not likely to be changed significantly with a new determination made according to the existing schedule.

Under authority of Section 8(3.1) of the *Forest Act*, I hereby postpone the next allowable annual cut determination for Tree Farm Licence No. 14 to November 1, 2007, being approximately 6 years and 7 months after the effective date of the last AAC determination.

If I conclude that circumstances for the tree farm licence area have changed significantly in the interim, I may rescind this order as authorized by Section 8(3.2) of the *Act*, and set a date for the next AAC determination that is earlier than the date noted above.



---

Henry Benskin  
A/Deputy Chief Forester

---

Date: July 15, 2005